

CHARTER FOR PATRONAGE - Times-Picayune, The (New Orleans, LA) - January 29, 1996 - page B4

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It hasn't taken long for a major flaw in the revised New Orleans City Charter to reveal itself in action. The revision, which was approved by voters in the fall and took effect Jan. 1, included what was touted as reform of the process of awarding professional services contracts, the goal being to take political patronage out of the system.

The revised charter requires that all contracts for professional services be awarded through competitive bidding, but it allows the mayor and council to determine what criteria they will use and how the process will work.

The mayor and council are showing that they intend to keep their patronage options open when it comes to choosing architects, engineers, attorneys and consultants.

The problem surfaced when the City Council announced that it would extend its current contract with **utility consultants**, good for \$3.8 million, on the grounds that such an extension is not a new contract to which the new provision would apply.

The mayor and the council have now proposed their selection processes, and both systems have major loopholes.

The council's system starts with a seven-member selection board chosen from nominations by the heads of seven local universities. The council then would issue a "request for qualifications" whenever it wants to hire a professional service provider. The board would rank respondents according to their qualifications and factors such as what they would charge, and would recommend three to the council. The council would have to accept the top-ranked respondent unless five members voted against it; in that case, the council would have to choose one of the other two top bidders.

But the council would exempt from the process renewal or extension of any contract that existed before Jan. 1, plus any professional service contracts for individual council members.

Jim Brandt, executive director of the Bureau of Governmental Research, said the council should issue a "request for proposals," calling for a specific response to a specific need, not a general request for qualifications. He said the council also should set out more clearly what amendments to existing contracts would be exempt.

The mayor's system calls for issuing requests for proposals, with bidders to be evaluated by a committee of the chief administrative officer, his top deputy or the city attorney, the head of the department for which the work would be done and "such other persons with specialized knowledge or expertise" as may be chosen by the CAO.

The committee would make a recommendation to the mayor, but he would be under no obligation to follow it.

The BGR endorsed the charter revisions package - it was voted on as one proposition, not broken down into sections - but Mr. Brandt said of the mayor's selection process, "It's not exactly what we had in mind or what we'd like to see." Of both processes, he commented, "I hope these are the first draft of procedures." He said the BGR will issue an analysis with its own ideas on how contracts should be awarded.

The only safeguard in the new charter provision is the requirement that public hearings be held before any new selection system is established. That gives the people a chance to put the mayor's and council's feet to the fire - but, again, the charter does not go all the way: The mayor and council are not bound to change their plans to respond to comments made at the hearing.

The mayor and the council will hold a joint hearing Wednesday at 7 p.m. in the council chamber at City Hall. The public should make it crystal clear then that they intended charter revision to be reform, not a new charter for patronage."

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